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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,969

Applicant(s)

WACLAWSKY ET AL.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 9, 11 – 12, 14 – 22, 24 – 25, 27 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated over Chang et al. (U.S. Patent No. 6848004 B1).

Regarding claims 1, 14, 27, 28, Chang et al. discloses the limitation of a communications device, the communication device being a browser enabled device, a method for dynamically adjusting bandwidth of a communications channel (Abstract, lines 7 – 15; Fig. 1, element 57; column 4, lines 62 – 64; column 5, lines 1 – 6), the method comprising the steps of detecting a first event indicating a first anticipated change in a bandwidth requirement of the communications channel; the first event indicating a browser event requiring a browser in the communications device to access content from a remote computer system (Fig. 3, column 7, lines 42 – 46); calculating a

first new value for a bandwidth setting of the communications channel in response to detecting the first event, the first new value of the bandwidth setting of the communications channel being calculated to accommodate additional bandwidth used to receive the content from the remote computer system (Fig. 3, column 7, lines 55 – 64); and adjusting a bandwidth characteristic of the communications channel according to the first new value of the bandwidth setting such that communications channel can accommodate the first anticipated change in the bandwidth requirement (column 7, lines 61 – 66).

Regarding claims 2, 15, Chang et al. discloses the limitation of performing communications on the communications channel using the bandwidth setting having the first new value (column 7, lines 58 – 61); detecting an end of the first event indicating that the first anticipated change in a bandwidth requirement of a communications channel is complete (column 7, lines 61 – 64; Fig.2, column 5, lines 20 – 23); and adjusting the bandwidth characteristic of the communications channel to an original value of the bandwidth setting that existed prior to the detection of the first event (column 7, lines 8 – 30) .

Regarding claims 3,16, Chang et al. discloses the limitation of detecting a second event indicating a second anticipated change in the bandwidth requirement of a communications channel (Fig. 3, element 311, column 8, lines 8 – 15); calculating a second new value for a bandwidth setting of the communications channel in response to detecting the second event (column 8, lines 8 – 15); and further adjusting the bandwidth

characteristic of the communications channel according to the second new value of the bandwidth setting such that communications channel accommodates the second anticipated change in the bandwidth requirement (column 8, lines 8 – 30).

Regarding claims 4, 17, Chang et al. discloses the limitation of calculating a first new value for a bandwidth setting of the communications channel in response to detecting the first event (column 7, lines 42 – 46) comprising the steps of determining if the bandwidth event contains a bandwidth determination factor (column 7, lines 56 – 58), and if the bandwidth event contains a bandwidth determination factor: i) extracting the bandwidth determination factor from the bandwidth event (column 7, lines 57 – 58); and ii) calculating the new value for the bandwidth setting based on the bandwidth determination factor (column 7, lines 58 – 61); and if the bandwidth event contains a bandwidth determination factor (column 7, lines 19 – 25), adjusting the bandwidth setting to at least one of a next higher level and a next lower level based on the bandwidth event (Fig. 3, all elements; column 7, lines 61 – 64).

Regarding claims 5, 18, Chang et al. discloses the limitation of the first bandwidth event indicates a first increased anticipated change in the bandwidth requirement of the communications channel (column 7, lines 45 – 52; lines 58 – 61) and the second bandwidth event indicates a second increased anticipated change in the bandwidth requirements of the communications channel (column 8, lines 26 – 29); and wherein the first new value of the bandwidth setting is greater than a former value of the bandwidth setting and the second new value of the bandwidth setting is greater than the first new value of the bandwidth setting (column 8, lines 17 – 23), such that the bandwidth

characteristic of the communications channel is dynamically adjusted to change the bandwidth of the communications channel in response to the first and second bandwidth events (column 8, lines 17 – 23).

Regarding claims 6, 19, Chang et al. discloses the limitation of at least one of the first bandwidth event and the second bandwidth event indicate a browser event for at least one of: i) a beginning of a communications session; ii) a beginning of content processing; and iii) a user bandwidth request for additional bandwidth on the communications channel (column 7, lines 26 – 31).

Regarding claims 7, 20, Chang et al. discloses the limitation of the first bandwidth event indicates an increased anticipated change in the bandwidth requirement of the communications channel and the second bandwidth event indicates a decreased anticipated change in the bandwidth requirements of the communications channel (column 11, lines 9 – 17); and wherein the first new value of the bandwidth setting is greater than a former value of the bandwidth setting (column 11, lines 22 – 25) and the second new value of the bandwidth setting is less than the first new value of the bandwidth setting (column 11, lines 22 – 25), such that: i) the bandwidth characteristic of the communications channel is dynamically adjusted to change the bandwidth of the communications channel in response to the first bandwidth event (column 7, lines 8 – 30); and ii) the bandwidth characteristic of the communications channel is dynamically adjusted to lower the bandwidth of the communications channel in response to the second bandwidth event (column 10, lines 45 – 48).

Regarding claims 8, 21, Chang et al. discloses the limitation of the second bandwidth event indicating an end of the first bandwidth event (column 8, lines 37 – 38).

Regarding claims 9, 22, Chang et al. discloses the limitation of the first bandwidth event indicates a browser event for at least one of: i) a beginning of a communications session (column 7, lines 56 – 58); ii) a beginning of content processing; and wherein the second bandwidth event indicates a browser event for at least one of: i) an end of a communications session; ii) an end of content processing (column 7, lines 12 – 19); and iii) a timeout associated with an earlier bandwidth event.

Regarding claims 11, 24, Chang et al. discloses the limitation of detecting the first event includes parsing content accessed by the browser to detect a content reference within the content (column 7, lines 30 – 36).

Regarding claims 12, 25, Chang et al. discloses the limitation of detecting the first event detects a communications session message generated by the browser (column 7, lines 30 – 33).

Regarding claim 29, Chang discloses the limitation of a method of managing the use of a communications channel of a network by a network application, the communications channel utilizing bandwidth allocated by a network communications device in the network (column 3, lines 46 – 59), comprising detecting activity of the network application indicating that a new communications session will be established requiring a first anticipated change in bandwidth allocated to the communications channel (column 3, lines 52 – 59); calculating a first new value for an allocated bandwidth setting of the communications channel in response to detecting the network

application activity (column 3, lines 52 – 59; Fig. 3, column 7, lines 55 – 64); and negotiating with the network communications device to adjust a bandwidth characteristic of the communications channel according to the first new value of the allocated bandwidth setting to effect the first anticipated change in the bandwidth allocated to the communications channel (column 7, lines 61 – 66).

Regarding claim 30, Chang discloses the limitation of a communications device (Fig. 1, element 50) comprising an communications interface (Fig. 1, element 54); a memory system (Fig. 1, element 55), a processor Fig.1, element 51), and an interconnection mechanism coupling the communications interface, the memory system, and the processor (Fig. 1, client station, the bus connecting all the elements 54, 51, 55, 53, 52), wherein the memory system is configured with a bandwidth manager application, that when performed on the processor, provides a bandwidth manager process that manages the use of a communications channel of a network by a network application (column 4, lines 62 – 67; column 5, lines 1 – 12), the communications channel utilizing bandwidth allocated by the network communications device in the network, the bandwidth manager process performing the operations of: detecting activity of the network application indicating that a new communications session will be established requiring a first anticipated change in bandwidth allocated to the communications channel (column 3, lines 52 – 59), calculating a first new value for an allocated bandwidth setting of the communications channel in response to detecting the network application activity, and negotiating with the network communications device to adjust a bandwidth characteristic of the communications channel according to the first

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new value of the allocated bandwidth setting to effect the first anticipated change in the bandwidth allocated to the communications channel (column 7, lines 61 – 66).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (U.S. Patent No. 6848004 B1) in view of Yu et al. (U.S. Patent No. 6684087 B1).

Regarding Claims 13 and 26, Chang et al. discloses the limitation of a communications device, a method for dynamically adjusting bandwidth of a communications channel (Abstract, lines 7 – 15; Fig. 1, element 57; column 4, lines 62 – 64; column 5, lines 1 – 6), the method comprising the steps of detecting a first event indicating a first anticipated change in a bandwidth requirement of the communications channel (Fig. 4, column 6, lines 40 – 43); calculating a first new value for a bandwidth setting of the communications channel in response to detecting the first event (Fig. 3, column 7, lines 42 – 46); and adjusting a bandwidth characteristic of the communications channel according to the first new value of the bandwidth setting such

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that communications channel can accommodate the first anticipated change in the bandwidth requirement (column 7, lines 8 – 30). But Chang et al. fails to disclose the communications device is a wireless device and the communications channel is a wireless communications channel and wherein the bandwidth characteristic of the communications channel is at least one of: i) a timeslot allocation for a time division multiple access protocol operating on the communications channel; ii) at least one frequency for a code division multiple access protocol operating on the communications channel; and ii) at least one frequency code for a code division multiple access protocol operating on the communications channel. Yu et al. discloses the limitation of the communications device is a wireless device (Fig. 1 and Fig. 2, column 3, lines 53 – 60) and the communications channel is a wireless communications channel (Fig. 1, column 3, line 53, reference element 102) and wherein the bandwidth characteristic of the communications channel is at least one of: i) a timeslot allocation for a time division multiple access protocol operating on the communications channel (Fig. 3A, column 5, line 48; line 36 – 57); ii) at least one frequency for a code division multiple access protocol operating on the communications channel (Fig. 3A, column 5, line 48; line 36 – 57); and ii) at least one frequency code for a code division multiple access protocol operating on the communications channel (Fig. 3A, column 5, line 48; line 36 – 57). It would have been obvious to modify Chang et al. to include a communications device is a wireless device and the communications channel is a wireless communications channel and wherein the bandwidth characteristic of the communications channel is at least one of: i) a timeslot allocation for a time division multiple access protocol operating

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on the communications channel; ii) at least one frequency for a code division multiple access protocol operating on the communications channel; and ii) at least one frequency code for a code division multiple access protocol operating on the communications channel such as that taught by Yu et al. in order to have applications to the navigation of Internet web pages by two-way interactive communication mobile devices as suggested by Yu et al. (see column 2, lines 38 – 41).

Response to Arguments

6. Applicant's arguments respect to claims 1 – 9, 11 – 22, 24 – 30 have been fully considered but they are not persuasive.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Sep 14, 2005


Ajit Patel
Primary Examiner